IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 383 of 2002 (M/B)

The New India Assurance Company Ltd.,
Having its Central Office at Mumbai,
Branch Office at Roorkee,
District Haridwar,
Having its Divisional Office at Ranipur More,
Haridwar,
Through its Divisional Manager. ……. Petitioner

Versus

1. State of Uttaranchal,
through its Secretary,
Nagar Vikas, Local Self Government,
Civil Secretariat, Uttaranchal
Dehradun.
2. Nagar Palika Parishad,
Roorkee, District Haridwar,
Through its Chairman / SDM.
3. Executive Officer,
Nagar Palika Parishad,
Roorkee, District Haridwar.
4. Collector / District Magistrate,
Haridwar.
5. Tehsildar, Roorkee,
District Haridwar,
Uttaranchal. …….. Respondents

Mr. M.K. Agarwal, Advocate on behalf of Mr. R.B. Agarwal, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for the State of Uttaranchal.
Mr. A.K. Sharma, Advocate for respondents Nos. 2 and 3.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. M.K. Agarwal, Advocate on behalf of Mr. R.B. Agarwal, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1, 4 and 5.

Mr. A.K. Sharma, Advocate for respondents Nos. 2 and 3.

2. On 26.07.2002, following order was passed:

> "Heard.
>
> Learned counsel for the parties are unanimous that the imposition of licence fee is illegal and not permissible under the Statute. In view of this Sri A.K. Sharma, learned counsel for the respondents no. 2 and 3 sought two weeks time to withdraw the impugned order. List after 15 days."

3. Mr. A.K. Sharma, the learned counsel for respondents Nos. 2 and 3 submits that in compliance of the above interim order, respondents Nos. 2 and 3 have withdrawn the impugned order dated 01.02.2002 and as such, the writ petition, now, has become infructuous.

4. In view of the above development during the pendency of the writ petition, the writ petition is dismissed as infructuous.

(P.C. Pant, J.) **(Rajeev Gupta, C.J.)**
05.04.2006 **05.04.2006**

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